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MSPB POSTS CHECKLIST ON WEBSITE TO PROMOTE COMPLIANCE WITH BOARD ORDERS

In an effort to promote compliance by Federal agencies with the final orders it issues in employee appeals of personnel actions, the Merit Systems Protection Board (MSPB) has posted a checklist on its website (www.mspb.gov). The checklist, provided by the Defense Finance and Accounting Service (DFAS), details the information that a DOD civilian personnel or payroll office must provide to DFAS before DFAS can process payments ordered by the Board (or agreed to in a settlement). In posting the DFAS checklist, the Board hopes to assist other agency managers and personnel offices who must provide information that their payroll offices need to process payments required by a Board order.

Once the Board issues a final order in an appeal, it retains jurisdiction to enforce its order. When an employee prevails in an appeal but does not receive all of the relief ordered by the Board, including payments such as back pay and agency insurance contributions, the employee may file a petition for the Board to enforce its order. An enforcement proceeding may be prolonged unnecessarily if the agency is unable to provide satisfactory evidence that it has complied with the Board's order. Until all payments required by a Board order are processed, the Board will not find an agency in compliance.

"About a year ago, the Board began to focus on closing its oldest enforcement cases," explained MSPB Chairman Beth S. Slavet. "While we do not have many of these cases—only about 50 or 60 each year—they had been taking an unusually long time to close. Each case generally required several phone calls by MSPB attorneys to the parties to discuss compliance, followed by review of evidence submitted to show compliance and the response of the petitioning party. Often several orders for compliance were issued before the case could be closed. As we examined these cases, one of the things we found was that the responsible agency managers and personnel officials thought they had taken the steps necessary to comply but the payroll office lacked all the information necessary to process the required payments."

Recently, staff of the Board's Office of the General Counsel, which processes enforcement cases for the Board, held meetings with officials from DFAS, the Postal Service, and the USDA's National Finance Center (NFC) to discuss impediments to agency compliance with Board orders. As a result of these meetings, DFAS provided its checklist to the Board, and shared it with the Postal Service and NFC as well.

"We believe the DFAS checklist can help other agencies ensure compliance with Board orders as well," said Chairman Slavet, "and we encourage them to download or print it from our website." The checklist is on the Forms & Publications page of the MSPB website at the following address: www.mspb.gov/foia/forms-pubs/dfaschecklist.html.

The MSPB is an independent, quasi-judicial agency with responsibility for deciding Federal employee appeals from personnel actions taken against them and for protecting the integrity of the civil service and other Federal merit systems. The Board also conducts studies of the civil service and other merit systems in the Executive Branch.